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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.848 OF 2005
IN
SUIT NO.741 OF 2005

Laxmibai Amritrao Shinde).. Plaintiff

Versus

Arun Amritrao Shinde and others).. Defendants

Mr.V.P. Shashtri i/b.M/s.Raymond & Co. for the Plaintiff.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 14TH JUNE 2006

P.C.:

. The Plaintiff has sought an injunction against the Defendants from dispossessing her from the suit premises and from parting with the possession and inducting any third party into the suit premises. The suit premises are described in Exhibit "A" to the Plaint. According to the Plaintiff, who is the mother of the Defendants, she is entitled to 1/5th share in the suit premises being the wife of the deceased Amritrao Shambhaji Shinde. Correspondence exchanged between the Plaintiff and the Defendants indicates that the Defendant No.1 is relying on a Will claiming that the entire property now belongs to him on account of his

father’s death. However, undisputedly, the Will has not been probated. Therefore, in my view, the Motion can be disposed of by making it absolute in terms of prayer clause (a).

2. Nobody appears for the Defendants though served. Affidavit of service has been filed indicating the service on the Defendants.

3. Notice of Motion made absolute in terms of prayer clause (a).